

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Performance Measurements and Standards for  
Unbundled Network Elements and  
Interconnection

CC Docket No. 01-318

Performance Measurements and Reporting  
Requirements for Operations Support  
Systems, Interconnection, and Operator  
Services and Directory Assistance

CC Docket No. 98-56

Deployment of Wireline Services Offering  
Advanced Telecommunications Capability

CC Docket No. 98-147

Petition of Association for Local  
Telecommunications Services for Declaratory  
Ruling

CC Docket Nos. 98-147, 96-98, and 98-141

COMMENTS  
of the  
GENERAL SERVICES ADMINISTRATION

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## **Summary**

GSA addresses issues regarding standards for measuring the performance of incumbent carriers in providing UNEs. As end users, the FEAs do not have access to UNEs provided by incumbent LECs. However, the rates and terms of service for UNEs are major factors in determining whether there will be significant competition for telecommunications services provided to Federal agencies and all other end users.

GSA explains that contracts between carriers and larger end users frequently specify performance levels that must be achieved for the covered services. Predictable performance levels will permit more carriers to bid successfully for contracts and to fulfill their obligations if they receive awards.

Moreover, GSA's recent experience in state regulatory proceedings reveals a lack of uniformity in local performance standards regarding UNEs, including the procedures for circuit ordering, installation and maintenance. These disparities are troublesome for Federal agencies, because predictability and consistency in service levels are vital for geographically dispersed end users who contract for telecommunications services.

Finally, GSA explains that a comprehensive array of performance measures, as outlined in the Notice for this proceeding, is necessary to protect competitive LECs and end users. The Commission should not heed any claims that national standards are a redundant layer of regulation. Indeed, uniform national performance measures will provide more uniformity in regulations adopted by state regulators, reducing administrative requirements, data collection needs, and the costs of maintaining several reporting formats for LECs that operate in multiple jurisdictions.

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**COMMENTS  
of the  
GENERAL SERVICES ADMINISTRATION**

The General Services Administration ("GSA") submits these Comments on behalf of the customer interests of all Federal Executive Agencies ("FEAs") in response to the Notice of Proposed Rulemaking ("Notice") in CC Docket Nos. 01-318, 98-56, 98-147, 96-98, and 98-141 released on November 19, 2001. The Notice seeks comments and replies on issues regarding measurements and standards for assessing the performance of incumbent local exchange carriers ("LECs") in providing UNEs.

**I. INTRODUCTION**

Pursuant to Section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 481(a)(4), GSA is vested with the

responsibility to represent the customer interests of the FEAs before Federal and state regulatory agencies. From their perspective as end users, the FEAs have consistently supported the Commission's efforts to bring the benefits of competitive markets to consumers of all telecommunications services.

The Telecommunications Act of 1996 requires incumbent LECs to provide interconnection, collocation, and access to unbundled network elements ("UNEs") in ways that are just, reasonable and nondiscriminatory.<sup>1</sup> In addition, measures of performance in interconnection, collocation, and access are benchmarks for determining whether a Bell operating company will be permitted to provide interLATA services within its local region.<sup>2</sup> Consequently, measurement of the performance of incumbent LECs in meeting the requirements to provide UNEs is central to the issue of fostering competition and measuring its viability throughout the nation.

The Commission has addressed issues concerning service standards for interconnected local carriers in several proceedings. In CC Docket No. 98-56, the Commission released an order establishing reporting requirements for operations support systems ("OSS"), operator services and directory assistance.<sup>3</sup> Also, the Commission has released orders in CC Docket No. 98-147 to address standards for collocation of competitive LECs at the facilities owned by incumbent LECs. For example, in last year's Order on Reconsideration in that case, the Commission established several collocation rules to serve as minimum national standards,

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<sup>1</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§ 151 *et seq.* ("Telecommunications Act"), section 251(c).

<sup>2</sup> Notice, para. 2, citing Telecommunications Act, section 271.

<sup>3</sup> CC Docket No. 98-56, First Report and Order, released June 10, 1998.

permitting state regulators to adopt additional requirements, including shorter provisioning intervals.<sup>4</sup>

In May 2000, the Association for Local Telecommunications Services ("ALTS") asked the Commission to ensure timely provisioning of high capacity local loops and facilities capable of supporting digital subscriber line ("DSL") services.<sup>5</sup> Recognizing the need for consistently high performance levels, ALTS petitioned the Commission to establish rules with uniform provisioning standards<sup>6</sup>. Moreover, ALTS recommended monetary penalties for failure to comply with the rules.<sup>7</sup>

In this proceeding, the Commission will consider several issues suggested in the ALTS petition and additional issues concerning requirements for measurements and standards for UNEs provided by incumbent LECs to their competitors.<sup>8</sup> The Commission requests comments on whether to adopt national performance measurements and standards for UNEs, explaining that the Telecommunications Act gives the Commission ample authority to take this step.<sup>9</sup>

## **II. PERFORMANCE STANDARDS WILL HELP ENSURE THAT END USERS RECEIVE HIGH QUALITY SERVICES FROM ALL CARRIERS.**

### **A. Consistent service levels are vital for Federal agencies.**

As end users, the FEAs do not have access to UNEs provided by incumbent LECs. However, the rates and terms of service for UNEs will determine in large

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<sup>4</sup> CC Docket CC Docket No. 98-147, Order on Reconsideration and Second Further Notice of Proposed Rulemaking, released August 10, 2000, para. 5.

<sup>5</sup> CC Docket No. 98-147, Petition of ALTS, May 17, 2000.

<sup>6</sup> *Id.*, pp. 31-32.

<sup>7</sup> *Id.*

<sup>8</sup> Notice, paras. 8-11.

<sup>9</sup> *Id.*, para. 14, citing the Telecommunications Act, sections 251 and 252.

measure whether there will be significant competition for telecommunications services provided to Federal agencies and all other end users. If the charges for UNEs are too high, new entrants will not be able to provide their own services at prices that compete with the incumbent LECs. Equally important, if UNE service quality is low, variable or uncertain, end users will not subscribe to offerings by competitors over the coming years.

GSA provided recommendations on OSS performance standards in CC Docket No. 98-56 from the perspective of large end users of telecommunications services.<sup>10</sup> In addition, GSA provided recommendations for standards relating to collocation issues in CC Docket No. 98-147.<sup>11</sup> In those submissions, GSA explained that uniformly high quality services are important for Federal agencies as geographically dispersed end users with critical voice and data communications requirements throughout the nation.<sup>12</sup>

To ensure high quality services by all carriers — indeed, to ensure that there is viable competition at all — GSA urges the Commission to specify national performance measurements and standards for UNEs provided to competitive LECs.

**B. Performance standards will help new entrants meet the conditions in contracts with end users.**

Contracts between carriers and end users often specify the performance levels that must be met for the covered services. Thus, carriers depending on UNEs to

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<sup>10</sup> CC Docket No. 98-56, Comments of GSA, June 1, 1998, and Reply Comments of GSA, July 8, 1998.

<sup>11</sup> CC Docket No. 98-147, Comments of GSA, September 25, 1998; and Reply Comments of GSA, October 16, 1998.

<sup>12</sup> CC Docket No. 98-56, Comments of GSA, June 1, 1998, pp. 9-13; CC Docket No. 98-56, Reply Comments of GSA, July 8, 1998, pp. 2-4; CC Docket No. 98-147, Comments of GSA, September 25, 1998, pp. 14-18; and CC Docket No. 98-147, Reply Comments of GSA, October 16, 1998, pp. 13-15.

provide services under contracts must receive predictable performance levels in order to bid successfully for contracts and fulfill their obligations if they receive awards.

As a recent example, GSA issued a request for proposals in a Government-wide procurement called Connections, which covers equipment, supplies and technical solutions to meet a variety of Federal telecommunications infrastructure needs throughout the world.<sup>13</sup> The solicitation encompasses commercially available products and services, as well as customized approaches. This is a high-value contract with a base period of three years and five one-year option periods. To participate in a contract of this size and scope, a competitive LEC is likely to need UNEs obtained from incumbent carriers in some locations.

The Connections contract will include various performance levels that must be achieved by carriers. For example, carriers must provide price quotes two business days after receiving a task order from a Federal agency.<sup>14</sup> Similarly, carriers must provide a completion acknowledgment within one business day after a task order milestone has been met.<sup>15</sup> Also, the contract contains specifications on service intervals for installation of facilities and equipment. For example, carriers are required to deliver and install fiber optic cable with 10 working days, and to install video conference capabilities within 10 to 15 days, depending on the system configuration.<sup>16</sup>

Competitive LECs needing UNEs should be able to meet such quantitative requirements in contracts with government and commercial customers. It would be useful for the Commission to lend its support in this regard.

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<sup>13</sup> GSA Federal Technology Service, Connections Government-wide Agency Contract, Solicitation No. 9TE-PM-02-0001, released December 16, 2001.

<sup>14</sup> Solicitation No. 9TE-PM-02-0001, Table F.8-1.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*, Table F.3.



In a recent order concerning telecommunications services, the New York Public Service Commission cited indications that a major incumbent carrier in that state treats other carriers less favorably than its own retail customers.<sup>17</sup> Disparate treatment does not serve the interests of users anywhere. GSA urges the Commission to establish performance standards that will help prevent the discriminatory treatment cited in that order and foster more competition in all parts of the nation.

**C. GSA's experience in state UNE proceedings demonstrates the need for national performance guidelines.**

Regulatory agencies in several states have convened a "second round" of proceedings to examine the rates, terms and conditions of service for UNEs in view of changes in incremental costs and other factors in the past few years. To represent the consumer interests of Federal agencies, GSA participated in five of these UNE proceedings during 2001.<sup>18</sup> From its experience in these cases, GSA can speak first-hand to the value of consistent measurements and standards for assessing the LECs' performance in providing UNEs.

Cost studies and supporting testimony in state UNE proceedings reveal a lack of uniformity in regulations regarding ordering, installation and maintenance actions. Such disparities lead to confusion in determining the best way for end users that obtain local services to meet their communications needs in jurisdictions throughout the country.

Moreover, disparities in performance standards can lead to variations in network requirements and costs to implement comparable capabilities in different

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<sup>17</sup> New York Public Service Commission Case No. 99-C-2051, Order Denying Petitions for Rehearing and Clarifying Applicability of Special Service Guidelines, issued and effective December 20, 2001.

<sup>18</sup> California Proceeding No. A0102035, Georgia Docket No. 14361-U, Maryland Case No. 8879, Massachusetts D.T.E. 01-20, and New York Case No. 98-C-1357.

states. For example, if end users obtain services from competitive LECs that face uncertain repair intervals for UNEs, they will be required to deploy more complex and expensive network configurations to achieve the same end-to-end system reliability.

### **III. THE COMMISSION SHOULD PRESCRIBE A COMPREHENSIVE SET OF PERFORMANCE STANDARDS.**

#### **A. Numerous indicators are necessary for competitors to acquire and deploy UNEs.**

The Commission identifies a set of performance measures for four basic functions concerning UNEs: pre-ordering, ordering, provisioning, and ongoing maintenance and repair services.<sup>19</sup> The Commission states that non-discriminatory access to each of these functions requires efficient and effective interactions between an incumbent LEC and its competitors.<sup>20</sup>

In the Notice, the Commission postulates numerous measures for evaluating LECs' performance. For example, the Notice contains five provisioning measures that are designed to determine whether incumbent LECs are responding to competitors' requests within the same time and with the same "quality" of service as for orders from their own retail customers. The provisioning measurements are: (1) the percentage "on-time" performance, (2) the average delay for missed installation orders, (3), the percentage of missed appointments, (4) the percentage of orders that are "held" past the committed date for various reasons, and (5) the "quality" of installation, measured by the frequency of subsequent outages.<sup>21</sup> The Notice seeks comments on the scope of the required performance measures.<sup>22</sup>

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<sup>19</sup> Notice, para. 25.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*, para. 24.

GSA believes that a comprehensive array of performance measures, as outlined in the Notice, is necessary to protect competitive LECs and end users. The proposed set appropriately spans the life-cycle of UNE actions from pre-order through maintenance of the necessary capabilities. The competing carrier must be able to: (1) gather and verify the information necessary to place an order; (2) place an order with the incumbent carrier; (3) obtain accurate and timely information on the progress of the order; (4) obtain timely and quality provisioning of the order; and (5) receive the help needed to restore service if a problem occurs. Failure to meet any of these objectives can nullify success in meeting the others.

The Notice identifies the need to prescribe the frequency for reporting performance levels.<sup>23</sup> GSA believes that the "Special Service Guidelines" established by the New York Public Service Commission serve as a useful model. These guidelines apply to nearly all non-basic local services in the state, including carrier access and dedicated voice and data services provided to large commercial and government end users.<sup>24</sup> All carriers with more than 50,000 circuits in the state are required to file performance data each month in about the same detail as suggested in the instant Notice.<sup>25</sup>

From GSA's perspective, monthly or quarterly reporting of UNE performance data is reasonable for the larger (Tier I) LECs. For smaller LECs, GSA recommends a semi-annual schedule to balance the need for more timely information in a changing marketplace with the burden imposed on carriers by more frequent reporting obligations.

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<sup>23</sup> *Id.*, para. 29.

<sup>24</sup> New York Public Service Commission Case No. 99-C-2051, Order Denying Petitions for Rehearing and Clarifying Applicability of Special Service Guidelines, issued and effective December 20, 2001, pp. 1-2.

<sup>25</sup> *Id.*, p. 15.

Selecting the level of geographical disaggregation presents an additional trade-off between the value of reports and the costs of collecting the data.<sup>26</sup> In New York, LECs with more than 500,000 access lines must report nearly all service level measures to the switching center level.<sup>27</sup> Smaller carriers also submit data for switching centers, but fewer measures are reported. Analogously, GSA recommends that Tier I LECs be required to submit UNE performance data disaggregated to the local exchange level. Requirements for smaller incumbent LECs should be relaxed somewhat by omitting some performance measures, or allowing aggregation to the local exchange area level.

**B. National standards should not be considered a redundant level of regulation.**

The Notice requests comments on whether national standards cause unreasonable regulatory burdens for LECs.<sup>28</sup> GSA urges the Commission not to heed any claims that national standards are a redundant layer of regulation. From the perspective of end users, the benefits will outweigh the costs.

In fact, rather than posing extra burdens, national standards should reduce costs for many carriers. For example, uniform national performance measures will result in more consistency in state performance standards over time, reducing carriers' administrative requirements, data collection needs, and costs for maintaining several reporting formats for operations in multiple jurisdictions.

State regulators should also benefit from more uniformity. For example, states that have not already prescribed measures and standards could adopt rules that track

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<sup>26</sup> Notice, para. 32.

<sup>27</sup> New York Public Service Commission Case No. 97-C-0139, Notice of Issuance of Uniform Measurement Guidelines, issued October 6, 2000, p. 20.

<sup>28</sup> Notice, para. 15.

the national model.<sup>29</sup> Also, states that have developed standards could gradually modify those requirements to make them more consistent with the national guidelines.<sup>30</sup> The resulting convergence will allow state regulators to expend fewer resources to develop and monitor their own measures for UNE performance.

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<sup>29</sup> *Id.*, para. 17.

<sup>30</sup> *Id.*

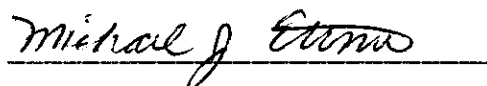
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#### IV. CONCLUSION

As a major user of telecommunications services, GSA urges the Commission to implement the recommendations set forth in these Comments.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Michael J. Ettner", is written over a horizontal line.

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January 22, 2002

## CERTIFICATE OF SERVICE

I, MICHAEL J. ETTNER, do hereby certify that copies of the foregoing "Comments of the General Services Administration" were served this 22nd day of January 2002, by hand delivery or postage paid to the following parties.

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